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Atty. Docket No. S.5373 US

PATENTS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Guy TABACCHI et al.

Confirmation No. 9635

Serial No. 09/888,441

GROUP 1617

Filed June 26, 2001

Examiner Helen Nguyen

NOVEL INVERSE LATTICES SELF-INVERTIBLE WITH RESPECT TO FATTY ACID ESTERS, AND COSMETIC, DERMOCOSMETIC, DERMOPHARMACEUTICAL OR PHARMACEUTICAL COMPOSITIONS COMPRISING THEM

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the Restriction requirement imposed in the outstanding Official Action of August 13, 2002, Applicants provisionally elect Group I, claims 1-32, drawn to intermediate compositions, with traverse.

Responsive to the further requirement for an election of species imposed in the Official Action, Applicants hereby provisionally elect the compound of claim 1: octyl palmitate which corresponds to the formula (Ib) of claim 10 wherein:

R1-(C=O) represents a palmitoyl group (hexadecanoyl) and R3 an octyl group, or the formula (I) of claim 2 wherein:

R1-(C=O) represents a palmitoyl group (hexadecanoyl) and R3 an octyl group, N = 0 and Q = 0. It is respectfully submitted that this compound reads on claims 1, 2, 3, 4 and 10.

As for claims 13 and 14, Applicants further provisionally elect Montanoy™ 80, which is Sorbitan monooleate ethoxylated with 20 moles of ethylene oxide. It is respectfully submitted that this species reads on claim 14.

As for claims 15-18, Applicants further provisionally elect Simulsol™ SL11 which is an aqueous solution comprising between approximately 40% to 50% by weight of a mixture of alkyl polyglycosides of formula (II) in which G represents the glucose residue, x is equal to approximately 1.45, n is equal to 0 and R4 represents an undecyl radical. It is respectfully submitted that this species reads on claims 15, 17 and 18.

The grounds for traverse as follows:

It is respectfully submitted that the requirement set forth by the outstanding Official Action fails to establish that an unduly extensive and burdensome search is required. Thus, it is respectfully submitted that the restriction requirement and election of species requirement is improper.

Moreover, it is noted that separate classification is no evidence of the propriety of the requirement for restriction. Classification is solely for the convenience of the Patent Office and the searching public, cannot diminish an Applicant's right in any way.

In view of the above remarks, it is respectfully submitted that the outstanding Restriction Requirement is improper and must be withdrawn. It is believed that Applicants

are entitled to an action on the merits of all the claims 1-35, in their full scope in the present application. Such action is accordingly respectfully requested.

Respectfully submitted,

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